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09/883,008	06/14/2001	Rajesh Kanungo	SUNMP009	9757
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MARTINE PENILLA & GENCARELLA, LLP			KE, PENG	
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SUITE 200			ART UNIT	PAPER NUMBER
SUNNYVALE, CA 94085			2174	

DATE MAILED: 08/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/883,008

Applicant(s)

KANUNGO ET AL.

Examiner

Peng Ke

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This action is responsive to communications: Amendment, filed on 6/5/06.

Claims 1-20 are pending in this application. Claims 1, 8, and 15 are independent claims.

In the Amendment, filed on 6/5/06, claims 1, 8, and 15 were amended.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3 - 5, 12, 15, 17, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alexander, U.S. Patent No. 5,896,131 in view of Smith, U.S. Patent No. 5,745,103.

As per claim 1, Alexander teaches a method for creating a dialog box visually differentiable from a displayed background, the method comprising: receiving a command to create the dialog box, the command including a selected background color of the dialog box configured to have a value (see Alexander, column 4, lines 64 - 67);

Only using a reserved color associated with a reserved color value to draw a dialog box boundary, the reserved color being a color reserved by an operating system of a platform to be used by the operating system only (see Alexander, column 4, lines 4 -- 7, lines 37 - 40 and lines 45 -- 48; the examiner interprets a light gray color as a reserved color for the operating system); and

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drawing a dialog box background using the value of the selected background color (see Alexander, column 4, lines 37 - 40), wherein using the reserved color to draw the dialog box boundary is configured to visually differentiate the dialog box from the displayed background (see Alexander, figures 3A and 3B, item 302, column 2, lines 29 - 37 and column 4, lines 37 - 47; it is inherent that the checkerboard pattern differentiates the dialog box from the displayed background).

However Alexander fails to teach to permanently reserve and constantly maintain visual differentiation between reserved colors and non-reserved colors.

The reserved color being indexed to a value of a color table wherein the color table includes an index for selected background color and an index for the display background color;

Smith teaches permanently reserve and constantly maintain visual differentiation between reserved colors and non-reserved colors. (column 5, lines 65-col.6, lines 35; Examiner interprets setting aside colors out of the total of 256 colors for displaying element of operating system only to be permanently reserve and constantly maintain visual differentiation between reserved colors and non-reserved colors)

The reserved color being indexed to a value of a color table wherein the color table includes an index for selected background color and an index for the display background color; (column 6, lines 48-60; column 2, lines 40-55;)

It would have been obvious to an artisan at the time of the invention to include Smith's teaching with method of Alexander in order to allow user to differentiate window's objects from other graphical programming objects.

As per claim 3, which is dependent on claim 1, Alexander and Smith teach the method of claim 1 (see rejection above). Alexander further teaches a method for creating a dialog box visually differentiable from a displayed background as recited in claim 1, wherein the dialog box is displayed using a graphic image (see Alexander, figure 2, item 204).

As per claim 4, which is dependent on claim 1, Alexander and Smith teach the method of claim 1 (see rejection above). Alexander further teaches a method for creating a dialog box visually differentiable from a displayed background as recited in claim 1, wherein the dialog box boundary is configured to include one of a slider, a border, text, a button, and a scroll bar (see Alexander, figure 3A and column 4, lines 37 -40; it is inherent that the controls consist of buttons and text).

As per claim 5, which is dependent on claim 1, Alexander and Smith teach the method of claim 1 (see rejection above). Alexander further teaches a method for creating a dialog box visually differentiable from a displayed background as recited in claim 4, wherein the dialog box boundary is a border (see Alexander, figure 2, lines 35 - 37).

As per claim 15, Alexander teaches a method for generating dialog box graphical user interfaces (GUIs) that are presented over an underlying background image, comprising: receiving a command to generate a dialog box (see Alexander, column 4, lines 64 - 67); if a boundary element of the dialog box is to be generated, the method includes, implementing a reserved color

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for the generation, the reserved color not being available for use in generating graphical context of background color of the dialog box (see Alexander, column 4, lines 4 - 7, lines 37 - 40 and lines 45 - 48; the examiner interprets the light gray color as a reserved color).

However Alexander fails to teach to permanently reserve and constantly maintain visual differentiation between reserved colors and non-reserved colors.

An index of the reserved color, an index for the selected background color and an index for a displayed background color are stored within a single color table;

Smith teaches permanently reserve and constantly maintain visual differentiation between reserved colors and non-reserved colors. (col. 5, lines 65-col.6, lines 35; Examiner interprets setting aside 20 colors out of the total of 256 colors for displaying element of operating system only to be permanently reserve and constantly maintain visual differentiation between reserved colors and non-reserved colors)

An index of the reserved color, an index for the selected background color and an index for a displayed background color are stored within a single color table; (column 6, lines 48-60; column 2, lines 40-55;)

It would have been obvious to an artisan at the time of the invention to include Smith's teaching with method of Alexander in order to allow user to differentiate window's objects from other graphical programming objects.

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As per claim 17, which is dependent on claim 15, it is of similar scope to claim 4 and is rejected under the same rationale as claim 4 (see rejection above).

As per claim 18, which is dependent on claim 17, it is of similar scope to claim 5 and is rejected under the same rationale as claim 5 (see rejection above).

Claims 2, 6 - 14, 16, 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alexander, U.S. Patent No. 5,896,131 in view of Smith, U.S. Patent No. 5,745,103.

As per claim 2, which is dependent on claim 1, Alexander and Smith teach the method of claim 1 (see rejection above). Alexander further teaches a method for creating a dialog box visually differentiable from a displayed background as recited in claim 1, wherein drawing a dialog box background using the selected background color value includes: determining whether the value for the selected background color is equivalent to one of the reserved color value and another color value (see Alexander, column 4, lines 4 - 7), the determining including, mapping the value of the selected background color to a previously assigned color value when the selected background color value is equivalent to the reserved color value (see Alexander, column 4, lines 59 - 64; the examiner interprets the dark gray color as a reserved color value); and mapping the value of the selected background color to a corresponding color value when the selected background color value is equivalent to the color value (see Alexander, column 4, lines 37 - 50; it is taught that the light gray color is not replaced, therefore it is inherent that it is mapped to the corresponding color).

Alexander and Smith do not teach determining whether the value for the selected background color is equivalent to one of the reserved color value and a cross-platform compatible color value, mapping the value of the selected background color to a previously assigned cross-platform compatible color value, and mapping the value of the selected background color to a corresponding cross-platform compatible color value when the selected background color value is equivalent to the cross-platform compatible color value. However, using cross-platform compatible colors is notoriously well known in the art. For example, the applicant discloses the use of cross-platform compatible colors in the application background. Examiner takes office notice of using cross-platform compatible colors. It would have been obvious to one of ordinary skill in the art at the time of the invention to implement cross-platform compatible colors with the method of Alexander in order to gain consistency across different platforms.

As per claim 6, Alexander and Smith do not teach a method for creating a dialog box visually differentiable from a displayed background as recited in claim 5, wherein the border is beveled. However, a beveled border is notoriously well known in the art. For example, Nichols et al., U.S. Patent Application Publication US 2002/017596 A1 teaches using a beveled border (see Nichols, paragraph 23, sentence 3). Examiner takes official notice of using a beveled border. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate a beveled border with the method of Alexander in order to create a three-dimensional appearance.

As per claim 7, which is dependent on claim 1, Alexander and Smith teach the method of claim 1 (see rejection above). Alexander does not teach a method for creating a dialog box visually differentiable a displayed background on a display system as recited in claim 1, wherein the dialog box is a Java based dialog box. However, using Java based dialog boxes are notoriously well known in the art. For example, the applicant discloses the use of Java for interface development in the application background. Examiner takes official notice of using Java based dialog boxes. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate a Java based dialog box with the method of Alexander in order to incorporate Java's broad user base and platform independent features.

As per claim 8, Alexander teaches a method for selecting colors to draw a dialog box having a visually differentiable boundary, the method comprising:

determining whether a dialog box boundary, a dialog box background, or a dialog box component is being drawn, the determining including,

only selecting a reserved color when drawing the dialog box boundary by bypassing a mapping of the reserved color to a previously assigned color (see Alexander, column 2, lines 40 - 55);

only selecting a color when drawing the dialog box background; and selecting a color when drawing the component contained within the dialog box (see Alexander, column 2, lines 32 - 47), wherein the bypassing the mapping of the reserved color to a previously assigned color is configured to draw a dialog box having a differentiable boundary (see Alexander, figure 3A, item 300; it is inherent that the dialog box has a differentiable boundary).

However Alexander fails to teach to permanently reserve and constantly maintain visual differentiation between reserved colors and non-reserved colors.

An index of the reserved color, an index for the selected background color and an index for a displayed background color are stored within a single color table;

Smith teaches permanently reserve and constantly maintain visual differentiation between reserved colors and non-reserved colors. (col. 5, lines 65-col.6, lines 35; Examiner interprets setting aside colors out of the total of 256 colors for displaying element of operating system only to be permanently reserve and constantly maintain visual differentiation between reserved colors and non-reserved colors)

An index of the reserved color, an index for the selected background color and an index for a displayed background color are stored within a single color table; (column 6, lines 48-60; column 2, lines 40-55;)

It would have been obvious to an artisan at the time of the invention to include Smith's teaching with method of Alexander in order to allow user to differentiate window's objects from other graphical programming objects.

Alexander and Smith do not teach mapping of the reserved color to a previously assigned cross-platform compatible color, selecting a cross-platform compatible color when drawing the dialog box background; and selecting a cross-platform compatible color when drawing the component contained within the dialog box. However, using cross platform compatible colors is notoriously well known in the art. For example, the applicant discloses the use of cross -platform

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compatible colors in the application background. It would have been obvious to one of ordinary skill in the art at the time of the invention to implement cross-platform compatible colors with the method of Alexander in order to gain consistency across different platforms.

As per claim 9, which is dependent on claim 8, Alexander and Smith teach the method of claim 8 (see rejection above). Alexander further teaches a method for selecting colors to draw a dialog box having a visually differentiable boundary as recited in claim 8, wherein the reserved color is a color reserved by an operating system of a platform to only be used by operating system (see Alexander, column 4, lines 15 -24; it is inherent that the dark grey color is used by the operating system only to display digitized waveform images).

As per claim 10, which is dependent on claim 8, Alexander and Smith teach the method of claim 8 (see rejection above). Alexander further teaches a method for selecting colors to draw a dialog box having a visually differentiable boundary as recited in claim 8, wherein selecting a cross-platform compatible color when drawing the dialog box background includes: using a value of the selected background color to map the selected background to a previously assigned cross-platform compatible color when the value of the selected background color is equivalent to a reserved color value (see Alexander, column 4, lines 59 - 64; the examiner interprets the light gray color as a reserved color value); and using the value of the selected background color to map the selected background color value to a corresponding cross-platform compatible color when the value of the selected background color is equivalent to a cross-platform compatible

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color value (see Alexander, column 4; lines 37 - 50; it is taught that the light gray color is not replaced, therefore it is inherent that it is mapped to the corresponding color).

As per claim 11, which is dependent on claim 8, Alexander and Smith teach the method of claim 8 (see rejection above). Alexander and Smith do not teach the method for selecting colors to draw a dialog box having a visually differentiable boundary as recited in claim 8, wherein the dialog box is one of a JAVA, based dialog box, a C-based dialog box, or a C++-based dialog box. However, using Java based dialog boxes are notoriously well known in the art. For example, the applicant discloses the use of Java for interface development in the application background. Examiner takes official notice of using java based dialog box. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate a Java based dialog box with the method of Alexander in order to incorporate Java's broad user base and platform independent features.

As per claim 12, which is dependent on claim 8, it is of similar scope to claim 3 and is rejected under the same rationale as claim 3 (see rejection above).

As per claim 13, which is dependent on claim 8, Alexander and Smith teach the method of claim 8 (see rejection above). Alexander further teaches a method for selecting colors to draw a dialog box having a visually differentiable boundary as recited in claim 8, wherein the colors selected to draw the dialog box boundary, dialog box background, and components contained within the dialog box are processed by a controller (see Alexander, column 3, lines 36 - 39).

As per claim 14, which is dependent on claim 13, Alexander and Smith teach the method of claim 1 (see rejection above). Alexander further teaches a method for selecting colors to draw a dialog box having a visually differentiable boundary as recited in claim 13, wherein the controller is integrated in a graphics card (see Alexander, column 3, lines 36 - 39; the examiner interprets a video controller chip as a graphics card).

As per claim 16, which is dependent on claim 15, Alexander and Smith teach the method of claim 15 (see rejection above). Alexander and Smith do not teach a method for generating dialog box graphical user interfaces (GUIs) that are presented over an underlying background image as recited in claim 15, further comprising: if a background element of the dialog box is to be generated, the method includes, only implementing a cross-platform compatible color for the generation. However, using cross-platform compatible colors is notoriously well known in the art. For example, the applicant discloses the use of cross-platform compatible colors in the application background. Examiner takes official notice of using cross-platform compatible color. It would have been obvious to one of ordinary skill in the art at the time of the invention to implement cross-platform compatible colors with the method of Alexander in order to gain consistency across different platforms.

As per claim 19, which is dependent on claim 18, it is of similar scope to claim 6 and is rejected under the same rationale as claim 6 (see rejection above).

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As per claim 20, which is dependent on claim 15, Alexander and Smith teach the method of claim 15 (see rejection above). Alexander and Smith do not teach a method for generating dialog box graphical user interfaces (GUIs) that are presented over an underlying background image as recited in claim 15, wherein the dialog box is a JAVA based dialog box, a C-based dialog box, or a C++-based dialog box. However, using Java based dialog boxes are notoriously well known in the art. For example, the applicant discloses the use of Java for interface development in the application background. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate a Java based dialog box with the method of Alexander in order to incorporate Java's broad user base and platform independent features.

Response To Argument

Applicant's arguments with respect to claims 1-20 have been considered but are deemed to be moot in view of the new grounds of rejection.

Contact information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peng Ke whose telephone number is (571) 272-4062. The examiner can normally be reached on M-Th and Alternate Fridays 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine L. Kincaid can be reached on (571) 272-4063. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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